

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
OCTOBER 13, 2005

_____ ACTION/DECISION

 X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control ("EQC").
- II. **SUBJECT:** Administrative and Consent Orders issued during the period August 1, 2005, through August 31, 2005.
- III. **FACTS:** For the period August 1, 2005 through August 31, 2005 EQC issued twenty-seven (27) Consent Orders with total assessed civil penalties in the amount of \$140,100. There were two (2) Administrative Orders placed in force during the reporting period with a total assessed penalty of \$45,000.

Unless otherwise specified, "Previous Orders" as listed in this report include orders issued by Environmental Quality Control programs within the last five (5) years.

| <u>Bureau</u> | <u>Administrative Orders</u> | <u>Assessed Penalties</u> | <u>Consent Orders</u> | <u>Assessed Penalties</u> |
|--|----------------------------------|-------------------------------|---------------------------|-------------------------------|
| Land & Waste Management | | | | |
| Hazardous Waste | 0 | \$ 0 | 0 | \$ 0 |
| Solid Waste | 0 | 0 | 1 | 4,000.00 |
| UST Program | 0 | 0 | 3 | 3,300.00 |
| SUBTOTAL | 0 | 0 | 4 | \$ 7,300.00 |
| Water | | | | |
| Drinking Water | 2 | \$ 45,000.00 | 5 | \$ 2,100.00 |
| Water Pollution | 0 | \$ 0 | 11 | 84,200.00 |
| SUBTOTAL | 2 | \$ 45,000.00 | 16 | \$ 86,300.00 |
| Air Quality | | | | |
| SUBTOTAL | 0 | \$ 0 | 7 | \$ 46,500.00 |
| TOTAL | 2 | \$45,000.00 | 27 | \$ 140,100.00 |

ANALYSIS: During the reporting period, Drinking Water Enforcement issued two (2) Administrative Orders against Respondent Piney Grove Utilities, Inc. for failure to operate and maintain the public water systems (PWS) serving the Franklin Park Subdivision and the Albene Park Subdivision both of which are located in Richland County, South Carolina. Violations included the following: failure to perform nitrate monitoring; failure to perform bacteriological monitoring; failure to perform lead and copper monitoring; and failure to issue public notices for non-monitoring. The Respondent also failed to pay State Drinking Water Fees totaling \$2,840.75 for the 2005 fiscal year. The Respondent was assessed a civil penalty

in the amount of \$20,000.00 for Albene Park Subdivision and \$25,000.00 for Franklin Park Subdivision. The Respondent is currently in violation of both Administrative Orders and has been referred to the Office of General Counsel for further action.

During the reporting period, Drinking Water Enforcement entered into Consent Orders with four (4) Respondents for violations that included the failure to pay the annual State Drinking Water Fees for multiple years. In the past, non-payment of drinking water fees was referred to the Department of Revenue for collection. However, in the absence of a Federal Employer Identification Number or a Social Security Number, the Department of Revenue was unable to successfully pursue collection of the fees. Drinking Water Enforcement is now taking enforcement actions against a number of Respondents previously referred to the Department of Revenue in an effort to collect past due annual fees. Past due fees owed by the four Respondents total \$7,696.54. Assessed civil penalties against the Respondents total \$2,100.00

Six (6) of the eleven (11) Consent Orders issued by Water Pollution Enforcement during the reporting period involved storm water violations associated with construction, land-clearing and development activities. Violations included the following: failure to obtain a permit prior to initiating land-disturbing activities; failure to install and properly maintain erosion and sediment controls; and discharge of sediment into the environment, including waters of the state. Assessed civil penalties for the six Consent Orders totaled \$64,060.00, including a civil penalty in the amount of \$14,050.00 against Clemson University for violations associated with construction activities at the Memorial Stadium West End Zone Renovation Project.

Water Pollution Enforcement and Air Quality Enforcement entered into separate Consent Orders with the South Carolina Public Service Authority (Santee Cooper) for wastewater violations at the wastewater treatment facility serving the Cross Generating Station and for air quality violations at the Jefferies and Winyah Generating Stations, respectively. Violations at the wastewater treatment facility involved failure to comply with effluent limits for fecal coliform bacteria, and resulted in a \$4,200.00 penalty. Corrective action has been taken to address the violation. The air quality violations at Jefferies and Winyah Generating Stations involved a failure to limit particulate matter (PM) emissions during Department-approved sources tests resulting in the assessment of a civil penalty in the amount of \$14,000.00. Compliance was demonstrated during a re-test at both facilities.

Of the twenty-seven (27) Consent Orders issued by EQC enforcement programs during the reporting period, twenty-five (25) have either complied with the Order requirements or are currently in compliance with schedules required in those Orders.

Submitted by:

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